

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 55th Legislature (2015)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 684

By: Jolley of the Senate

and

Hickman of the House

8
9
10 COMMITTEE SUBSTITUTE

11 [prisons and reformatories - notification procedure
12 - transmission of certain notice - notice of
13 judgment and sentencing - effective date]

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16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 1. AMENDATORY 57 O.S. 2011, Section 37, is
18 amended to read as follows:

19 Section 37. A. If all correctional facilities reach maximum
20 capacity and the Department of Corrections is required to contract
21 for bed space to house state inmates, ~~then the:~~

22 1. The Pardon and Parole Board shall consider all nonviolent
23 offenders for parole who are within six (6) months of their
24 scheduled release from a penal facility; and

1 2. Prior to contracting with a private prison operator to
2 provide housing for state inmates, the Department shall send
3 notification to all county jails in this state that bed space is
4 required to house the overflow population of state inmates. Upon
5 receiving notification, the sheriff of a county jail is authorized
6 to enter into agreements with the Department to provide housing for
7 the inmates. Reimbursement for the cost of housing the inmates
8 shall be a negotiated per diem rate for each inmate as contracted
9 but shall in no event be less than the per diem rate provided for in
10 Section 38 of this title.

11 B. No inmate may be received by a penal facility from a county
12 jail without first scheduling a transfer with the Department. ~~The~~
13 ~~sheriff or court clerk~~ Within three (3) business days after the
14 court orders the judgment and sentence, the county shall transmit to
15 the Department by facsimile, electronic mail, or actual delivery a
16 certified copy of ~~the~~ the:

17 1. The judgment and sentence certifying that the inmate is
18 sentenced to the Department of Corrections;

19 2. A notice of judgment and sentence signed by the sentencing
20 judge or the court clerk. The notice shall include the name of the
21 defendant, the crime for which the defendant was convicted and the
22 sentence imposed. The notice of judgment and sentence shall be
23 substantially in the form provided for in subsection F of this
24 section; or

1 3. Plea paperwork, Summary of Facts and Sentence on Plea or
2 Sentencing After Jury Trial Summary of Facts may be used as
3 sentencing documents.

4 C. The receipt of the certified copy of the judgment and
5 sentence shall be certification that the sentencing court has
6 entered a judgment and sentence and all other necessary commitment
7 documents. The Department of Corrections is authorized to determine
8 the appropriate method of delivery from each county based on
9 electronic or other capabilities. Once ~~the~~ an appropriate judgment
10 and sentence document, as listed in subsection B of this section, is
11 received by the Department of Corrections, the Department shall
12 contact the sheriff when bed space is available to schedule the
13 transfer and reception of the inmate into the Department. The
14 Department shall assume custody of an inmate from a county prior to
15 receiving the certified copy of the judgment and sentence upon
16 receipt by the Department of an appropriate judgment and sentence
17 document, as listed in subsection B of this section.

18 ~~C.~~ D. When a county jail has reached its capacity of inmates as
19 ~~defined~~ provided in the standards set forth in Section 192 of Title
20 74 of the Oklahoma Statutes, then the county sheriff shall notify
21 the Director of the Oklahoma Department of Corrections, or the
22 Director's designated representative, by facsimile, electronic mail,
23 or actual delivery, that the county jail has reached or exceeded its
24 capacity to hold inmates. The notification shall include copies of

1 any judgment and sentences not previously delivered as required by
2 subsection B of this section. Then within seventy-two (72) hours
3 following such notification, the county sheriff shall transport the
4 designated excess inmate or inmates to a penal facility designated
5 by the Department. The sheriff shall notify the Department of the
6 transport of the inmate prior to the reception of the inmate. The
7 Department shall schedule the reception date and receive the inmate
8 within seventy-two (72) hours of notification that the county jail
9 is at capacity, unless other arrangements can be made with the
10 sheriff.

11 ~~D. Once the judgment and sentence is transmitted to the~~
12 ~~Department of Corrections, the~~ E. The Department will be
13 responsible for the cost of housing the inmate in the county jail
14 including costs of medical care provided from the date the judgment
15 and sentence was ordered by the court until the date of transfer of
16 the inmate is scheduled to be transferred to the Department from the
17 county jail. The Department shall implement a policy for
18 determination of scheduled dates on which an inmate or multiple
19 inmates from the same jail are to be transferred from county jails.
20 The policy shall allow for no less than three alternative dates from
21 which the sheriff of a county jail may select and shall provide for
22 weather-related occurrences or other emergencies that may prevent or
23 delay transfers on the scheduled date. The policy shall be
24 available for review upon request by any sheriff of a county jail.

1 If an appropriate judgment and sentencing document, as listed in
2 subsection B of this section, is not received by the Department
3 within three (3) business days, the Department shall not be
4 responsible for the cost of housing the inmate in the county jail
5 from the date of sentencing until the date the Department receives
6 the necessary documentation. Should the inmate not be transferred
7 on the date scheduled by the Department, the Department shall not be
8 responsible for any costs incurred beyond the date scheduled by the
9 Department. The cost of housing shall be the per diem rate
10 specified in Section 38 of this title. In the event the inmate has
11 one or more criminal charges pending in the same Oklahoma
12 jurisdiction and the county jail refuses to transfer the inmate to
13 the Department because of the pending charges, the Department shall
14 not be responsible for the housing costs of the inmate while the
15 inmate remains in the county jail with pending charges. Once the
16 inmate no longer has pending charges in said jurisdiction, the
17 Department shall be responsible for the housing costs of the inmate
18 for the period beginning on the date the judgment and sentence or
19 final order was ordered in said pending case and ending on the date
20 the inmate is scheduled to be transferred to the Department. In the
21 event the inmate has other criminal charges pending in another
22 Oklahoma jurisdiction, the Department shall be responsible for the
23 housing costs while the inmate remains in the county jail awaiting
24 transfer to another jurisdiction or until the date the inmate is

1 scheduled to be transferred to the Department, whichever is earlier.

2 Once the inmate is transferred to another jurisdiction, the
3 Department is not responsible for the housing cost of the inmate
4 until such time that another judgment and sentence is received by
5 the Department from another Oklahoma jurisdiction. The sheriff
6 shall be reimbursed by the Department for the cost of housing the
7 inmate in one of two ways:

8 1. The sheriff may submit invoices for the cost of housing the
9 inmate on a monthly basis; or

10 2. The sheriff may submit one invoice for the total amount due
11 for the inmate after the Department has received the inmate.

12 Final payment for housing an offender shall be made only after
13 the official judgment and sentence is received by the Department of
14 Corrections.

15 F. Form for Notice of Judgment and Sentencing.

16 In the District Court of _____ County

17 The State of Oklahoma

18 State of Oklahoma,)

19 plaintiff)

20 v.) Case No. _____

21 _____,)

22 Defendant.)

23 S.S.#)

24 D.O.B.)

NOTICE OF JUDGMENT AND SENTENCE

On this _____ day of _____, _____, to the best knowledge and belief of the undersigned, the conviction and sentence of the above-captioned defendant was announced and ordered as follows:

Count 1: _____ O.S.

Count 1 Sentence: _____

Count 2: _____ O.S.

Count 2 Sentence: _____

Count 3: _____ O.S.

Count 3 Sentence: _____

Count 4: _____ O.S.

Count 4 Sentence: _____

Additional: _____

Judge of the District Court

-or-

Clerk of the District Court

SECTION 2. AMENDATORY 57 O.S. 2011, Section 38, is amended to read as follows:

Section 38. ~~Until January 1, 2007, the Department of Corrections shall reimburse any county, which is required to retain an inmate pursuant to paragraph 2 of Section 37 of this title, in an amount not to exceed Twenty-four Dollars (\$24.00) per day for each~~

1 ~~inmate during such period of retention. The proceeds of this~~
2 ~~reimbursement shall be used to defray expenses of equipping and~~
3 ~~maintaining the jail and payment of personnel. The Department of~~
4 ~~Corrections shall reimburse the county for the emergency medical~~
5 ~~care for physical injury or illness of the inmate retained under~~
6 ~~this act if the injury or illness is directly related to the~~
7 ~~incarceration and the county is required by law to provide such care~~
8 ~~for inmates in the jail. The Department shall not pay fees for~~
9 ~~medical care in excess of the rates established for Medicaid~~
10 ~~providers. The state shall not be liable for medical charges in~~
11 ~~excess of the Medicaid scheduled rate. The Director may accept any~~
12 ~~inmate required to have extended medical care upon application of~~
13 ~~the county. Effective January 1, 2007, the The Department of~~
14 ~~Corrections shall reimburse any county^r which is required to retain~~
15 ~~an inmate pursuant to ~~paragraph 2~~ subsection D of Section 37 of this~~
16 ~~title^r in an amount not to exceed Twenty-seven Dollars (\$27.00) per~~
17 ~~day for each inmate during such period of retention. The proceeds~~
18 ~~of this reimbursement shall be used to defray expenses of equipping~~
19 ~~and maintaining the jail and payment of personnel. The Department~~
20 ~~of Corrections shall reimburse the county for the emergency medical~~
21 ~~care for physical injury or illness of the inmate retained under~~
22 ~~this act if the injury or illness is directly related to the~~
23 ~~incarceration and the county is required by law to provide such care~~
24 ~~for inmates in the jail. The Department shall not pay fees for~~

1 medical care in excess of the rates established for Medicaid
2 providers. The state shall not be liable for medical charges in
3 excess of the Medicaid scheduled rate. The Director may accept any
4 inmate required to have extended medical care upon application of
5 the county.

6 SECTION 3. This act shall become effective November 1, 2015.
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8 COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS,
9 dated 04/08/2015 - DO PASS, As Amended.
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